<center>**REMARKS**</center>

This is a full and timely response to the outstanding non-final Office Action mailed November 24. 2006. Upon entry of the amendments in this response, claims 1 – 5, 16 – 18, 21 – 23, 25 – 27, 32, 34 – 35, 38 – 59 remain pending. In particular, Applicant amends claims 1 – 2, 4, 17, 52, and 59. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I.   Priority

The Office Action asserts that Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. §120. Although Applicant does not address this validity of this statement of this time, Applicant does not intend this silence as an admission.

Similarly, the Office Action asserts that the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. §112. Although Applicant does not address this validity of this statement of this time, Applicant does not intend this silence as an admission.

II.   Rejections Under 35 U.S.C. §103 – *LaJoie* in view of *Eick*

    A.   Claim 1 is Allowable Over *LaJoie* in view of *Eick*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent Number 5,850,218 ("*LaJoie*") in view of U.S. Patent Number 5,812,124 ("*Eick*"). Applicant respectfully traverses this rejection for at least the reason

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that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest all of the elements of claim 1.

More specifically, claim 1 recites:

> A method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of:
> receiving media information corresponding to a plurality of accessible media;
> configuring a display order of media titles in the received media information according to the value of a media information parameter;
> configuring each index in a plurality of user-selectable indices according to a respective first range of values of the media information parameter, each respective first range of values being determined according to a threshold defining a predetermined number of media titles;
> configuring the plurality of user-selectable indices for indexing the media titles in the display order, each user-selectable index corresponding directly to the media titles in the received media information determined by the respective first range of values of the media information parameter corresponding to the user-selectable index, such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index;
> presenting, to the user, the selectable indices in an interactive media guide display, each of the user selectable indices being configured to provide the media titles according to the threshold defining a predetermined number of media titles;
> receiving selection of a first user-selectable index, the selection being a triggering event to provide at least a portion of the media titles corresponding to the first user-selectable index and ***without presenting an additional index that was not previously presented prior to selection of the first user-selectable index***; and
> directly responsive to a user selecting a first user-selectable index, providing simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index. ***(emphasis added)***

Applicant respectfully submits that claim 1, as amended, is allowable over the cited art for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest a "method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of… receiving selection of a first user-selectable index, the selection being a triggering event to provide at least

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a portion of the media titles corresponding to the first user-selectable index and *without presenting an additional index that was not previously presented prior to selection of the first user-selectable index*" as recited in claim 1, as amended. More specifically, *Eick* appears to disclose "multiple instances of the two letter string as denoted by the double right point arrows by NO. To continue the search for Nova, the active area is moved to the line containing NO of display 2000" (column 10, line 7, see also FIG. 21). As illustrated, *Eick* indicates that a classification may correspond to other classifications (see also FIG. 19 and 20, illustrating that classification "N" may also correspond classification "NO"). Applicant respectfully submits that this is different than "receiving selection of a first user-selectable index, the selection being a triggering event to provide at least a portion of the media titles corresponding to the first user-selectable index and *without presenting an additional index that was not previously presented prior to selection of the first user-selectable index*" as recited in claim 1, as amended. Additionally, Applicant respectfully submits that *LaJoie* fails to overcome the deficiencies of *Eick*. For at least these reasons, claim 1, as amended, is allowable over the cited art.

B.   Claim 2 is Allowable Over *LaJoie* in view of *Eick*

The Office Action indicates that claim 2 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *LaJoie* in view of E*ick*. Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest all of the elements of claim 2. More specifically, claim 2 recites:

> A method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of:
> receiving media information corresponding to a plurality of accessible media;

configuring an interactive media guide with a display order of the media titles in the received media information according to the value of a media information parameter and according to a portion of the received media information corresponding to a user-selected category;

determining a first range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, the first range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective first range of values;

configuring the interactive media guide with the plurality of user-selectable indices for indexing the media titles in the display order;

presenting to a user an interactive media guide having a plurality of indexing prompts, each of the indexing prompts directly corresponding to one and only one user-selectable index, such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index;

receiving a first user input indicating selection of a first user-selectable index, the selection being a triggering event to provide at least a portion of the media titles corresponding to the first user-selectable index and *without presenting an additional index that was not previously presented prior to selection of the first user-selectable index*; and

responsive to the first user input, providing simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index and the user-selected category. *(emphasis added)*

Applicant respectfully submits that claim 2, as amended, is allowable over the cited art for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest a "method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of… receiving a first user input indicating selection of a first user-selectable index, the selection being a triggering event to provide at least a portion of the media titles corresponding to the first user-selectable index and *without presenting an additional index that was not previously presented prior to selection of the first user-selectable index*" as recited in claim 2, as amended. More specifically, *Eick* appears to disclose "multiple instances of the two letter string as denoted by the double right point arrows by NO. To continue the search for Nova, the active area is moved

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to the line containing NO of display 2000" (column 10, line 7, see also FIG. 21). As illustrated,

Eick indicates that a classification may correspond to other classifications (see FIG. 19 and 20,

illustrating that classification "N" may also correspond classification "NO"). Applicant

respectfully submits that this is different than "receiving a first user input indicating selection of

a first user-selectable index, the selection being a triggering event to provide at least a portion of

the media titles corresponding to the first user-selectable index and *without presenting an*

additional index that was not previously presented prior to selection of the first user-selectable

index" as recited in claim 2, as amended. Additionally, Applicant respectfully submits that

LaJoie fails to overcome the deficiencies of *Eick*. For at least these reasons, claim 2, as

amended, is allowable over the cited art.

C. **Claim 52 is Allowable Over *LaJoie* in view of *Eick***

The Office Action indicates that claim 52 stands rejected under 35 U.S.C. 103(a) as being

allegedly unpatentable over *LaJoie* in view of E*ick*. Applicant respectfully traverses this

rejection for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest all

of the elements of claim 52. More specifically, claim 52 recites:

> An interactive media services client device for providing media to
> a user comprising:
> memory for storing media information received from a server, said
> media information corresponding to a plurality of respective accessible
> media; and
> a processor configured to:
> cause a display order of media titles in the received media
> information according to the value of a media information parameter and
> according to a portion of the received media information;
> determine a first range of values of the media information
> parameter corresponding to each index in a plurality of user-selectable
> indices, the first range of values being determined according to the
> number of media titles in the portion of the received media information
> corresponding to the respective first range of values;

enable an interactive media guide with the plurality of user-selectable indices for indexing the media titles in the display order;

present to a user the interactive media guide having a plurality of indexing prompts, each of the indexing prompts directly corresponding to one and only one of the respective user-selectable indices, such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index;

receive a first user input identifying a first indexing prompt directly corresponding to a first user-selectable index; and

directly responsive to the first user input, provide simultaneously in the first display order at least a portion of the media titles corresponding to the first user-selectable index and a user-selected category,

wherein the at least a portion of the media titles are displayed *without presenting an additional index that was not previously presented prior to selection of the first user-selectable index. (emphasis added)*

Applicant respectfully submits that claim 52, as amended, is allowable over the cited art for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest an "interactive media services client device for providing media to a user comprising… a processor configured to… directly responsive to the first user input, provide simultaneously in the first display order at least a portion of the media titles corresponding to the first user-selectable index and a user-selected category… wherein the at least a portion of the media titles are displayed *without presenting an additional index that was not previously presented prior to selection of the first user-selectable index*" as recited in claim 52, as amended. More specifically, *Eick* appears to disclose "multiple instances of the two letter string as denoted by the double right point arrows by NO. To continue the search for Nova, the active area is moved to the line containing NO of display 2000" (column 10, line 7, see also FIG. 21). As illustrated, *Eick* indicates that a classification may correspond to other classifications (see FIG. 19 and 20, illustrating that classification "N" may also correspond classification "NO"). Applicant respectfully submits that this is different than "directly responsive to the first user input, provid[ing] simultaneously in the first display order at least a portion of the media titles

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corresponding to the first user-selectable index and a user-selected category... wherein the at least a portion of the media titles are displayed *without presenting an additional index that was not previously presented prior to selection of the first user-selectable index*" as recited in claim 52, as amended. Additionally, Applicant respectfully submits that *LaJoie* fails to overcome the deficiencies of *Eick*. For at least these reasons, claim 52, as amended, is allowable over the cited art.

D. Claim 59 is Allowable Over *LaJoie* in view of *Eick*

The Office Action indicates that claim 59 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *LaJoie* in view of E*ick*. Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest all of the elements of claim 59. More specifically, claim 59 recites:

> A method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of:
> receiving media information corresponding to a plurality of accessible media;
> configuring a display order of media titles in the received media information according to the value of a media information parameter;
> configuring each index in a plurality of user-selectable indices according to the display order and according to a respective range of values of the media information parameter, each respective range of values being determined according to a threshold defining a predetermined number of media titles;
> configuring the plurality of user-selectable indices for indexing the media titles in the display order, each user-selectable index directly corresponding to the media titles in the received media information determined by the respective range of values of the media information parameter corresponding to the user-selectable index, such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index;
> directly responsive to a user selecting a first user-selectable index, providing simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index,

wherein the at least a portion of the media titles are displayed *without presenting an additional index that was not previously presented prior to selection of the first user-selectable index. (emphasis added)*

Applicant respectfully submits that claim 59, as amended, is allowable over the cited art for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest an "interactive media services client device for providing media to a user comprising… directly responsive to a user selecting a first user-selectable index, providing simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index… wherein the at least a portion of the media titles are displayed *without presenting an additional index that was not previously presented prior to selection of the first user-selectable index*" as recited in claim 59, as amended. More specifically, *Eick* appears to disclose "multiple instances of the two letter string as denoted by the double right point arrows by NO. To continue the search for Nova, the active area is moved to the line containing NO of display 2000" (column 10, line 7, see also FIG. 21). As illustrated, *Eick* indicates that a classification may correspond to other classifications (see FIG. 19 and 20, illustrating that classification "N" may also correspond classification "NO"). Applicant respectfully submits that this is different than "directly responsive to a user selecting a first user-selectable index, providing simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index… wherein the at least a portion of the media titles are displayed *without presenting an additional index that was not previously presented prior to selection of the first user-selectable index*" as recited in claim 59, as amended. Additionally, Applicant respectfully submits that *LaJoie* fails to overcome the deficiencies of *Eick*. For at least these reasons, claim 59, as amended, is allowable over the cited art.

E. Claims 3 – 5, 32, 34 – 35, 38 – 45, 53 – 55, and 57 – 58 are Allowable Over _LaJoie_ in view of _Eick_

The Office Action indicates that claims 3 – 5, 32, 34 – 35, 38 – 45, 53 – 55, and 57 – 58 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over _LaJoie_ in view of _Eick_. Applicant respectfully traverses this rejection for at least the reason that _LaJoie_ in view of _Eick_ fails to disclose, teach, or suggest all of the elements of claims 3 – 5, 32, 34 – 35, 38 – 45, 53 – 55, and 57 – 58. More specifically, dependent claims 3 – 5, 42, and 44 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Dependent claims 39 – 41, 43, and 45 are believed to be allowable for at least the reason that they depend from allowable independent claim 2. Dependent claims 32, 34 – 35, 38, 53 – 55 and 58 are believed to be allowable for at least the reason that they depend from allowable independent claim 52. _In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc._, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

III. Rejections Under 35 U.S.C. §103 – Claims 16 and 48 are Allowable Over _LaJoie_ in view of _Eick_ and further in view of _Knudson_

The Office Action indicates that claims 16 and 48 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over _LaJoie_ in view of _Eick_ and further in view of U.S. Publication Number 2005/02024387 (“_Knudson_”). Applicant respectfully traverses this rejection for at least the reason that _LaJoie_ in view of _Eick_ further in view of _Knudson_ fails to disclose, teach, or suggest all of the elements of claims 16 and 48. More specifically, dependent claim 16 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 1. Dependent claim 48 is believed to be allowable for at least the reason that

it depends from allowable independent claim 2. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

IV. **Rejections Under 35 U.S.C. §103 – *LaJoie* in view of *Eick* and further in view of *Young***

A. **Claim 17 is Allowable Over *LaJoie* in view of *Eick* and further in view of *Young***

The Office Action indicates that claim 17 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *LaJoie* in view of *Eick* and further in view of U.S. Patent No. 5,808,608 ("*Young*"). Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* and further in view of *Young* fails to disclose, teach, or suggest all of the elements of claim 17. More specifically, claim 17 recites:

> An interactive media services client device for providing media information to a user comprising:
> memory for storing media information received from a server, said media information corresponding to a plurality of respective accessible media; and
> a processor configured to:
> cause a display order of the media titles in the received media information according to the value of the release year of the media title;
> enable a plurality of user-selectable indices for indexing displayed media titles, each user-selectable index directly corresponding to a range of time and according to a threshold defining a predetermined number of media titles;
> determine the media titles in the received media information corresponding to each user-selectable index and a user-selected category;
> present, to the user, the selectable indices in an interactive media guide display, each of the user selectable indices being configured to provide the media titles according to the threshold defining a predetermined number of media titles, directly in response to selection of one of the selectable indices; and
> directly responsive to a user input, provide simultaneously in the display order at least a portion of the media titles in the received media information corresponding to a first user-selectable index and the user-selected display, ***without presenting an additional index that was not***

previously presented prior to selection of the first user-selectable index.
(emphasis added)

Applicant respectfully submits that claim 17, as amended, is allowable over the cited art for at least the reason that *LaJoie* in view of *Eick* and further in view of *Young* fails to disclose, teach, or suggest an "interactive media services client device for providing media information to a user comprising... a processor configured to... directly responsive to a user input, provide simultaneously in the display order at least a portion of the media titles in the received media information corresponding to a first user-selectable index and the user-selected display, **without presenting an additional index that was not previously presented prior to selection of the first user-selectable index**" as recited in claim 17, as amended. More specifically, *Eick* appears to disclose "multiple instances of the two letter string as denoted by the double right point arrows by NO. To continue the search for Nova, the active area is moved to the line containing NO of display 2000" (column 10, line 7, see also FIG. 21). As illustrated, *Eick* indicates that a classification may correspond to other classifications (see FIG. 19 and 20, illustrating that classification "N" may also correspond classification "NO"). Applicant respectfully submits that this is different than "directly responsive to a user input, provid[ing] simultaneously in the display order at least a portion of the media titles in the received media information corresponding to a first user-selectable index and the user-selected display, **without presenting an additional index that was not previously presented prior to selection of the first user-selectable index**" as recited in claim 17, as amended. Additionally, Applicant respectfully submits that *LaJoie* and *Young*, together or in combination, fail to overcome the deficiencies of *Eick*. For at least these reasons, claim 17, as amended, is allowable over the cited art.

B.   <u>Claims 18, 21 – 23, 25 – 27, 46 – 47, 49 – 51, and 56 are Allowable Over</u>
<u>*LaJoie* in view of *Eick* and further in view of *Young*</u>

The Office Action indicates that claims 18, 21 – 23, 25 – 27, 46 – 47, 49 – 51, and 56

stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *LaJoie* in view of

Eick and further in view of *Young*. Applicant respectfully traverses this rejection for at least the

reason that *LaJoie* in view of *Eick* further in view of *Young* fails to disclose, teach, or suggest all

of the elements of claims 18, 21 – 23, 25 – 27, 46 – 47, 49 – 51, and 56. More specifically,

dependent claims 18, 21 – 23, 25 – 27, and 49 – 51 are believed to be allowable for at least the

reason that these claims depend from allowable independent claim 17. Dependent claim 46 is

believed to be allowable for at least the reason that it depends from allowable independent claim

1. Dependent claim 47 is believed to be allowable for at least the reason that it depends from

allowable independent claim 2. Dependent claim 56 is believed to be allowable for at least the

reason that it depends from allowable independent claim 52. *In re Fine, Minnesota Mining and*

Mfg.Co. v. Chemque, Inc., 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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